

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, OCTOBER 17, 2006, 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 17th day of October 2006 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

Call to Order and Pledge of Allegiance.

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Semmelmann, Dean and Rangel.

City Manager Brummett, City Secretary Feutz, Community Development Director Smith, Interim Public Works Director Stolz, Fire Chief Irwin, and Human Resources Officer Schendel were also present.

Consider Approval of Minutes of the Regular City Council Meeting of October 3, 2006 and Special City Council Meetings of October 9, 2006 and October 10, 2006.

A motion was made by Councilman Rangel, seconded by Councilmember Reyna, to approve the minutes of the Regular City Council Meeting of October 3, 2006 and Special City Council Meetings of October 9, 2006 and October 10, 2006 as presented. Upon vote, the motion carried unanimously.

Presentation of Certificates of Appreciation to Trade and Market Days' Sponsors.

Mayor Riley asked Trade and Market Days Chair, Nita Lange, to assist in making the presentations. Mayor Riley presented Certificates of Appreciation to Herman Murray, Manager of Ancira Kia and of Ancira Volkswagen, to Michael Lampkin of E Square, Inc., and to Jim Rasmussen, Vice President of the Leon Valley Area Chamber of Commerce. Ms. Lange announced that she would deliver certificates for Tim Kreusal of Office Supply America and to Oscar Flores from T-Shirts of San Antonio because they were not able to attend the meeting. Mayor Riley and Nita Lange thanked everyone for the generous sponsorship of the Trade and Market Days program.

Resolution to Renew Sister-City Relationship with the City of Agropoli, Italy.

Mayor Riley asked former Mayor Irene Baldrige to bring a copy of the resolution to Mary Green who would have the resolution delivered to Agropoli, Italy. Mayor Riley announced that a delegation from Leon Valley are planning to visit the sister-city, Agropoli, Italy next May. Mayor Riley explained that the sister-city relationship was established in 1995 and was being renewed with the resolution which she read to the Council and audience.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to adopt the resolution as presented. Upon vote the motion carried unanimously.

Ms. Baldrige accepted the resolution and thanked Council.

Citizens to Be Heard and Time for Objections to the Consent Agenda.

Mayor Riley asked Council if they wished for any Consent Agenda items to be removed for further discussion. Councilmember Rangel asked that item # 9 be removed for further discussion. Hearing no additional requests, Mayor Riley asked if anyone in the audience

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wished to address Council.

Resident Olen Yarnell addressed Council about the policy of enforcing red-light traffic violations. Mayor Riley stated that the City Manager would look into the issue.

Mayor Riley asked if anyone else wished to address Council; seeing no one, she asked for a motion on Consent Agenda Items # 6, 7, 8, 10, 11, 12, and 13.

Consent Agenda

6. **Consider Quarterly Investment Report.**
7. **Consider Annual Investment Report.**
8. **Consider M&C # 10-09-06 with Attached Resolution - Annual Review and Revisions to the City's Investment Policy.**
10. **Consider M&C # 10-11-06 - Approval of Budget Adjustment to FY 2007 Budget for FY 2006 Rollover to Complete Renovations to the Chamber's House (\$9,854).**
11. **Consider M&C # 10-12-06 - Approval of Budget Adjustment to FY 2007 Budget for FY 2006 Rollover for City Match of a Community Development Block Grant (CDBG) (\$25,000).**
12. **Consider M&C # 10-13-06 - Approval of Budget Adjustment of FY 2007 Budget for FY 2006 Rollover for Sidewalk Project on Forest Grove (\$24,237).**
13. **Consider M&C # 10-14-06 - Approval of Budget Adjustment of FY 2007 Budget for FY 2006 Rollover to Purchase Upgrades to the Current Meter Reading System (\$16,690).**

A motion was made by Councilman Reyna, seconded by Councilman Semmelmann, to approve the Consent Agenda items 6, 7, 8, 10, 11, 12, and 13. Upon vote, the motion carried unanimously.

Consent Agenda Items Removed for Further Discussion

9. **Consider M&C # 10-10-06 - Approval of Budget Adjustment to FY 2007 Budget for FY 2006 Rollover for Traffic Preemption Equipment (\$97,763).**

Fire Chief Irwin addressed Council explaining that the preemption equipment was ordered, but not delivered before the end of FY 2006; therefore, the bill will have to be paid in FY 2007. He reminded everyone that the preemption system was a system of transmitters that sends signals to a satellite which then relays the signal to the traffic light and changes red lights to green to give Leon Valley EMS vehicles priority to move through the intersection.

Chief Irwin asked that \$15,365 of FY 2006 moneys be rolled over to FY 2007 to pay for the

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equipment. He explained that 11 Leon Valley Fire Department vehicles will be equipped with the transmitters and ten controllers will be installed on traffic signals along Bandera at intersections with Huebner, Reindeer Trail, Poss, El Verde, Seneca, Wurzbach, Loop 410, and Timco West and at the intersection of Evers and Huebner Roads. He announced that decisions by TxDOT will allow the controllers to be installed on the existing light pole structures, not in a separate box, as was first expected. He informed Council that this will offer some savings that will allow the purchase of an additional intersection controller and three additional vehicle transmitters for use on Leon Valley Police Department vehicles. He recommended that the additional controller be used at the intersection of Shadow Mist and Grissom Roads, where the new elementary school was being constructed. Chief Irwin reminded Council that only \$15,365 of the cost would be coming from the General Fund Reserves, as VIA Metropolitan Transit was paying \$82,398 for the balance of the project cost. Chief Irwin explained that other intersections that were owned by the City of San Antonio would require special agreements with San Antonio to use their traffic light poles. He also explained that City of San Antonio may in the future consider an interlocal agreement to use transmitters like Leon Valley to also help their vehicles travel through the City of Leon Valley.

A motion was made by Councilmember Maloy, seconded by Councilman Reyna to approve the budget adjustment as requested. Upon vote, the motion carried unanimously.

Regular Agenda

**Consider M&C # 10-15-06 - Approval of Change Order #1 for R. L. Jones Ltd. and
Associated Budget Adjustment to the Capital Projects Fund (\$35,000).**

Interim Public Works Director Fred Stolz introduced engineer consultant, Raul Garcia and Gilbert Gonzalez, who would present the request. Raul Garcia reviewed the history of the work being done to lower the Huebner Creek channel beneath Bandera Road. He reminded Council that CPS has relocated their transmission tower, and TxDOT has engaged I.H.S. Construction to perform the channel work which includes lowered existing SAWS and Leon Valley water and sewer lines. He stated that Leon Valley agreed to construct concrete channel improvements below the TxDOT work to facilitate the relocation of the CPS tower using Underground Conversion Funds (CEID) from CPS Energy. Mr. Garcia explained that the TxDOT project has been delayed thus delaying Leon Valley's contractor, R.L. Jones from beginning their work.. Mr. Garcia further explained that TxDOT and SAWS recommend that Leon Valley delay starting work in the channel due to the possible damage that the 24" sewer line which runs down the middle of the channel could sustain from heavy equipment being used to make our channel improvements.

Mr. Garcia explained that R. L. Jones has requested an additional \$35,000 to delay beginning work until January 8, 2007, and if work cannot begin then, they have the option to walk away from the project or renegotiate the contract with the City. Mr. Garcia explained that even paying the additional \$35,000 was cheaper than cancelling the contract which could result in a law suit, rebidding the project, and expected higher construction costs on the rebid for the project, as R.L. Jones was almost \$45,000 less than the next closest bid received for the project.

Following Council discussion regarding the reasons for the amount requested by the contractor, how the date of January 8, 2007 was decided, delays by TxDOT for construction projects, and

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what the legal ramifications would be if the City cancels the contract, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to table the item until the next meeting to consult with the City Attorney and get legal advice of the City's options. Councilman Reyna asked that an executive session be scheduled with the City Attorney to discuss the City's legal options in regards to this situation.

An amended motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to not wait until the next Regular City Council Meeting, but rather to table the item to a Special City Council Meeting date, sooner than November 7, 2006.

Following discussion, all motions were withdrawn and a new motion was made by Councilmember Reyna, seconded by Councilmember Dean, to table a decision on the item until November 7, 2006, or to a date called by the Chair so that the City Attorney could be present and investigate the legal options the City could consider for this issue. Upon vote, the motion carried unanimously.

**Consider M&C # 10-16-06 - Approval of Budget Adjustment of FY 2007 Budget to
Purchase a Supervisory Control and Data Acquisition (SCADA) System (\$65,000).**

Interim Public Works Director Fred Stolz addressed Council explaining the general components of the City's water system - its wells, pumps, and storage tanks. Mr. Stolz explained that the proposed supervisory control system would tie the entire system together with utility billing, the 911 Dispatchers and the Fire Department and would include visual and digital monitoring of the wells, storage tanks, pumps and sites to provide alarms for tank overflows and low water pressure. He reminded Council that the SCADA system was included in the FY 2006 budget in the amount of \$65,000, but stated that the project was not initiated in 2006; therefore, a budget adjustment to the FY 2007 Budget was needed from the Enterprise Fund Reserves in the amount of \$65,000.

Following Council discussion, a motion was made by Councilmember Reyna, seconded by Councilmember Dean, to approve the budget adjustment and purchase as requested. Upon vote, the motion carried unanimously.

**Consider M&C # 10-17-06 - Approval of General Fund Budget Adjustment to FY 2007
Budget to Allow for the Purchase of Responder Accountability Equipment and Patient
Handling Equipment Through 2005 State Homeland Security Grant Program (\$37,394).**

Fire Chief Stan Irwin informed Council that the Fire Department had received a grant from the 2005 State Homeland Security Grant Program (SHSGP) in the amount of \$50,394 for the purchase of the responder accountability system, patient handling equipment and supplied air respiratory equipment. He reminded Council that the grant was accepted by Council on November 1, 2005. Chief Irwin also explained that some of the equipment was purchased but the remaining equipment was unavailable from the State vendor; therefore, that equipment had to be ordered by the City and that required a budget adjustment to the FY 2007 Budget's General Fund in the amount of \$37,394. He added that after the City purchases the remaining equipment, the State will reimburse the City.

Chief Irwin gave a detailed explanation of the equipment costs and uses, and stated that he expected to have all the project orders completed by December 2006.

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Following Council discussion, a motion was made by Councilmember Rangel, seconded by Councilman Reyna, to approve the budget adjustment as requested. Upon vote, the motion carried unanimously.

Consider M&C # 10-18-06 with attached ordinance - Impact Fees Professional Services Agreement with Young Professional Resources and Associated Budget Adjustment to Fund the Services (\$55,000).

Interim Public Works Director Stolz addressed Council reviewing the history of Council's activity as related to impact fees over the last year. He stated that on January 31, 2006, Council considered the need for an update of existing water and sewer impact fees and the creation of a new water supply impact fee for water supply acquisition. Mr. Stolz stated that Young Professional Resources was contacted and a price proposal was submitted to complete a study in the amount of \$45,000 plus expenses. Mr. Stolz stated that the City Engineer would complete the Capital Improvements Study and the Community Development Office will prepare and direct the Master Plan review by the Zoning Commission. He added that the Capital Improvements Advisory Committee would participate in the review of the Impact Fees, Land Use Assumptions and Capital Improvements Plan. Mr. Stolz informed Council that the process of development, review, public notices and adoption would take approximately six months. Mr. Stolz indicated that a budget adjustment for \$55,000 was requested to fund the development of the impact fees and the other associated expenses to include the required public notices. Mr. Stolz asked Council to consider approval of the agreement with Young Professional Resources, the associated budget adjustment and authorize the City Manager to execute the documents and proceed with the update of the existing fees and development of a new water supply impact fee.

Mr. Leonard Young addressed Council explaining "expenses" referred to in the request would include such things as travel expenses, copies, and newspaper ads.

Following discussion, a motion was made by Councilmember Rangel, seconded by Councilman Reyna to approve the request as presented. Upon vote, the motion carried unanimously.

Consider Ordinance Authorizing and Incorporating Budget Adjustments to the FY 2007 Budgets for One, Two, or All M&C #'s: 10-09-06, 10-10-06, 10-11-06, 10-12-06, 10-13-06, 10-14-06, 10-15-06, 10-16-06, 10-17-06, and 10-18-06.

City Secretary Feutz addressed Council stating that the Texas Attorney General ruled that budget adjustments must be approved by ordinance if the original budget was approved by ordinance; the budget adjustments were considered an amendment to the original ordinance. She stated that because Council considered and approved requests for budget adjustments requests in the meeting, one ordinance would be used to include those approved M&C's from tonight's meeting. She reviewed budget adjustments that were rollovers from the FY 2006 Budget for: the preemption equipment purchase, the Chamber's House renovations, the CDBG local share for sidewalk construction, the 2006 sidewalk improvements, and purchase of an upgraded meter reading system. Ms. Feutz stated that other budget adjustments were needed for the approved requests for the SCADA System purchase and for the Responder Accountability Equipment and Patient Handling Equipment purchases.

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A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to approve the ordinance to which covered items or services approved in M&C's numbered 10-09-06, 10-10-06, 10-11-06, 10-12-06, 10-13-06, 10-14-06, 10-16-06 10-17-06 and 10-18-06. Upon vote, the motion carried unanimously.

**Consider M&C# 10-19-06 with Attached Ordinance - Repeal and Replace Section 2.401
"Official Newspaper" of City Code Chapter 2, "General Provisions", to Create a New
Section 2.401.**

City Secretary Feutz addressed Council explaining that upon review of the Local Government Code, Chapter 52, Section 52.004 requires municipalities to select its official newspaper at the beginning of each municipal year. She stated that Section 2051.044, of the Texas Government Code, defines the type of newspapers which may be designated as the "official newspaper". She stated that currently, the City Code names the *San Antonio Express News*, *the Daily Commercial Recorder*, *the Northside Recorder*, and *the Echo* as official newspapers. Ms. Feutz stated that after reviewing the Government Code and Attorney Generals' opinions and conferring with TML attorneys and the Attorney General's office, only the *San Antonio Express News* and *The Daily Commercial Recorder*, of the four publications listed in the City Code, met the legal requirements. Ms. Feutz did note that the City may use other publications for other advertisements, but for notices legally required to be published in an "official newspaper", it was recommended that the *San Antonio Express News* and *The Daily Commercial Recorder* be named as "official newspapers".

A motion was made by Councilmember Semmelmann, seconded by Councilmember Reyna, to approve the ordinance as presented. Upon vote, the motion carried unanimously.

City Manager's report.

September 2006 Finance Statement Report:

City Manager Hank Brummett addressed Council presenting a financial report of income and expense totals as of October 17, 2006, but he noted that all expenses and tax income to be credited to FY 2006 had not been received as of this date. He stated that two more months of sales tax will still be credited to the FY 2006 reported income.

Mr. Brummett also reported that the mosquito spraying along El Verde Road was completed the end of the previous week and mowing of the creek area has been started. He also commented that the uneven road surface on El Verde would require road reconstruction, which would be costly. In response to Council inquiry, Mr. Brummett recommended that Council wait a few months to see how Balcones Heights handles the red light cameras issue, but he stated that he thought the red light camera controls seemed to be a positive solution to the issue of drivers running red lights.

Citizens to be heard.

Mayor Riley asked if anyone from the audience would like to address Council. Seeing no one, Mayor Riley asked for announcements from Council.

Announcements.

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Councilmember Maloy commended and thanked all members of the City Council on identifying the new City Manager and working together to come to consensus on a decision.

Councilmember Semmelmann reported that the Park Commission had a good “walk through the Park” .

Councilmember Rangel asked the Police Department keep an extra eye out on Halloween to keep the children safe as they participated in the evening's events.

Mayor Riley announced that Park Commission Chair Bert Thomas would be giving an update to the Council on the Park Commission's activities at the next regular City Council meeting.

Mayor Riley announced that Council understands that citizens are concerned about news of contaminated water in Leon Valley, but reported that tests results have not indicated any PCE contamination of the water from City wells nor from the wells from SAWS that supply part of the Leon Valley community. She reminded everyone that the Environmental Protection Agency will hold a public meeting on November 2, 2006 from 7:00 p.m. - 9:00 p.m. at the Conference Center to provide information on the Bandera Road Groundwater Plume and to hear public comments on the issue.

Mayor Riley announced that the Regional Mobility Authority's Citizens' Advisory Committee will be meeting November 8, 2006 and she reported that all three nominees submitted for Leon Valley, Marcy Meffert, Al Uvietta, and Phillip Manea, were appointed to the Committee.

She reminded everyone about the Historical Society's Bloomin' Onion Dinner and fundraiser to be held on October 27, 2006.

Mayor Riley also thanked everyone for their work in reaching a decision about a City Manager candidate.

Convene into executive session in accordance with the Texas Government Code, Section 551.074, “Personnel Matters” to discuss the City Manager Selection.

Mayor Riley announced that the City Council would convene into executive session in accordance with the Texas Government Code, Section 551.074, “Personnel Matters” to discuss the City Manager Selection” at 8:50 p.m.

Reconvene into open session.

Mayor Riley reconvened the meeting into open session at 9:33 p.m.

Consider discussion and any action as appropriate from executive session.

A motion was made by Councilman Reyna, seconded by Councilmember Semmelmann, to authorize continued negotiations for a formal agreement, as discussed in executive session, with Mark B. Roath, to serve as City Manager for the City beginning December 4, 2006. Upon vote, the motion carried unanimously.

Adjourn.

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A motion was made by Councilmember Reyna, seconded by Councilmember Rangel, to adjourn the meeting. Mayor Riley announced the meeting was adjourned at 9:34 p.m.

Chris Riley

Mayor

ATTEST:

Marie Feutz

City Secretary

These minutes were approved by unanimous vote of the City Council at the regular City Council Meeting of November 7, 2006.